

DEPARTMENT COPY ELEVATOR LICENSING RULES

DEFINITIONS

- 24.142.301** **Definitions**
- 24.142.302** **Exceptions**

SUBSTANTIVE RULES

- 24.142.401** **General**
- 24.142.402** **Fee Schedule**
- 24.142.404** **Licensee Responsibilities**
- 24.142.405** **Apprentice Registration**

LICENSING

- 24.142.501** **Documentation of Suitable Training and Experience**
- 24.142.502** **Elevator Mechanic Licensure Qualifications**
- 24.142.503** **Elevator Mechanic Applications**
- 24.142.504** **Temporary Practice Permit**
- 24.142.506** **Elevator Inspector Qualifications**
- 24.142.507** **Elevator Contractor Applications**
- 24.142.509** **Examinations**
- 24.142.510** **Licensure by Reciprocity or Endorsement**

RENEWALS AND CONTINUING EDUCATION

- 24.142.2101** **Renewals**
- 24.142.2102** **Continuing Education**
- 24.142.2103** **Continuing Education Credits Required**

COMPLAINT PRODEDURE

- 24.142.2401** **License Discipline**

24.142.301 DEFINITIONS For the purposes of this chapter, the following definitions apply:

(1) "Alteration" means a change of original design or operation through modernization, replacement of components or assemblies, or upgrade to existing equipment.

(2) "ANSI" means the American national standard institute.

(3) "ASME" means the American society of mechanical engineers.

(4) "Apprentice" means an individual who is working with and receiving training from an elevator mechanic or limited mechanic licensed under this chapter and who is registered by an appropriate governmental unit.

(5) "Conveyance" means and is synonymous with "elevator" and includes, but is not limited to:

- (a) escalators;
- (b) inclined elevators;
- (c) dumbwaiters;
- (d) platform hoists;
- (e) material lifts;
- (f) moving walks;
- (g) platform or wheelchair lifts; and
- (h) chair lifts.

(6) "Electrical equipment" means any device or group of components that are connected to a source of electrical power. Such devices include, but are not limited to:

- (a) electro-mechanical switches;
- (b) controllers;
- (c) motors;
- (d) car and hall fixtures;
- (e) lighting fixtures; or
- (f) any other component that has exposed electrical parts or connections, either by design or when protective covers are removed.

(7) "Elevator code" means the code contained in [NEW RULE 1, proposed in MAR Notice No. 24-301-191, found at page 2021, 2005 Montana Administrative Register, issue no. 20, published on October 27, 2005].

(8) "Equipment testing" means safety tests required by the adopted safety standard performance of properly licensed elevator inspectors.

(9) "Helper" means an individual who is assisting with the installation of conveyance components by a licensed elevator mechanic or limited mechanic

(10) "Interactive testing and maintenance" means activity which requires human interaction with the technical components of controllers and machinery. Interactive testing includes, but is not limited to:

- (a) car and counterweight safety tests;
- (b) pressure relief tests;
- (c) buffer tests;
- (d) brake tests;
- (e) unintended car movement tests; and
- (f) ascending car overspeed tests.

(11) "Limited elevator contractor" means any person, firm, partnership, company, or entity that is engaged in the business of installing, altering, servicing, replacing or maintaining residential elevators or other conveyances in private residences.

(12) "Limited mechanic" means any person who is engaged in the installation, alteration, servicing, replacing, or maintaining residential elevators, platform lifts, stairway chairlifts, and dumbwaiters in private residences.

(13) "Lockout" means the placement of a locking device on an energy isolating device, in accordance with an established procedure, to ensure that the energy isolating device and the equipment being controlled by it cannot be operated until the lockout device is removed.

(14) "Maintenance" means the renewal of operating parts, cleaning, lubricating and adjusting existing elevator equipment to ensure proper and safe operation as required by code. The term includes, but is not limited to:

- (a) cleaning and lubricating equipment;
- (b) relamping and repairing car lighting fixtures; and
- (c) regular monitoring of hydraulic oil levels.

(15) "NAESA" means the National Association of Elevator Safety Authorities.

(16) "Operational testing" means, but is not limited to, those activities which require measurement or observation, but which does not require any form of conveyance disassembly. These activities include, but are not limited to:

- (a) fire service tests;
- (b) step/skirt index tests;
- (c) starting and stopping of equipment through normal means; or
- (d) smoke and heat detectors tests.

(17) "Repair" means the restoration of an elevator to its original intended design, but does not include changing its operation or intended use.

(18) "Residential elevator" means a powered or passenger conveyance which is installed in a private residence where the access to or control of the conveyance is restricted from public access.

(19) "Responsible elevator mechanic" means a designated individual employed by a licensed elevator contractor who is hired on a fulltime basis to ensure all work performed by the mechanic's employer is code compliant.

(20) "Responsible limited mechanic" means a designated individual employed by a licensed limited elevator contractor who is hired on a full time basis to ensure that all work performed by the mechanic's employer is code compliant.

(21) "Tagout" means the temporary placement of a printed notice on an energy isolating device, in accordance with an established procedure, to indicate that the energy isolating device and the equipment it controls may not be operated until the printed notice is removed by the person who attached it to the isolating device.

24.142.302 EXCEPTIONS (1) Elevator mechanic licenses issued by the department are not required for individuals who do not require access to the pit, hoist way, or top of the car to install:

- (a) signal systems;
- (b) fans;
- (c) electric light fixtures;
- (d) illuminated thresholds; and
- (e) feeder wires to the terminals on the elevator main line control.

(2) Elevator mechanic licenses are not required for operational testing and maintenance work that is performed on conveyances when the appropriate lockout and tagout procedures have been performed by the person doing that work.

(a) Except where allowed by law, interactive testing and maintenance checks may only be performed by licensed elevator personnel.

(3) Elevator contractor licenses issued by the department are not required for:

(a) an owner or employee of the owner performing only operational testing and maintenance on conveyances; or

(b) a public agency that employs licensed elevator mechanics to perform maintenance.

(4) The construction or modification of hoistway enclosure or machine room enclosure that does not involve alteration, repair or maintenance of an elevator does not require an elevator contractor's license. However, the alteration to these structures must comply with all other applicable sections of the currently adopted building regulations.

(5) A licensed elevator contractor may use a helper to assist a licensed elevator mechanic or limited mechanic during an installation. Assistance does not include performing any function that requires knowledge, skills or abilities of an elevator mechanic or limited mechanic.

24.142.401 GENERAL (1) Any person, firm, company, or other entity wishing to engage in the business of conveyance work that is regulated by the department must be a licensed elevator contractor.

(2) Any person wishing to perform conveyance work that is regulated by the department must be a licensed elevator mechanic or limited mechanic employed by a licensed elevator contractor.

(3) Any person wishing to perform elevator inspections services in Montana must be licensed as an inspector by the department to perform elevator inspections and testing.

24.142.402 FEE SCHEDULE (1) Examination fees are set by the testing agency or the department and vary by examination type.

(2) Application for license by examination \$150
(applies to all categories and includes original license fee)

(3) Contractor - original license fee 150

(4) Biennial renewal fee for all categories of licensure 100

(5) Application for license by endorsement or reciprocity (includes original license fee) 100

(6) Temporary permit 50

(7) Exam review fee 100

(8) Apprentice registration 25

(9) Continuing education course curriculum approval 75

(10) All fees are nonrefundable.

24.142.404 LICENSEE RESPONSIBILITIES (1) Licensed elevator mechanics, limited mechanics, elevator contractors, limited elevator contractors, or elevator inspectors shall have their licenses available on job sites at all times when employed in these capacities. Elevator mechanic or limited mechanic apprentices shall have their registration card, issued by the department, on their persons at all times when so employed. A licensed elevator mechanic, limited mechanic, elevator contractor, limited elevator contractor, elevator inspector, elevator mechanic apprentice or limited mechanic apprentice who does not have the required proof of licensure or apprenticeship registration while working in one of those capacities is subject to the issuance of a licensing citation in accordance with 37-73-225, MCA.

(2) A licensed limited mechanic shall:

(a) perform work only in the employment of a licensed elevator contractor; and

(b) perform work only on residential elevator construction.

(3) A licensed elevator mechanic shall perform work only in the employment of a licensed elevator contractor.

(4) A licensed elevator contractor or limited elevator contractor shall not allow any person to perform elevator or other conveyance installation or repair work unless the person is:

(a) properly licensed;

(b) in lawful possession of a valid temporary practice permit; or

(c) registered as an apprentice, as provided in 24.142.405.

(5) Elevator contractors are responsible for obtaining any permit required by the state of Montana or a certified local building code enforcement authority relating to elevator equipment and are responsible for ensuring that work performed complies with permitting requirements.

(6) Elevator contractors, limited elevator contractors, elevator mechanics or limited mechanics may not allow their license to be used by other individuals, firms, corporations or businesses for the purpose of obtaining elevator permits or for performing conveyance work.

(7) Elevator contractors may not erect, construct, install or alter an elevator, dumbwaiter, escalator, or other equipment subject to the provisions of Title 50, chapter 60, MCA, unless they have first obtained a permit to do so from the department.

(8) An elevator contractor, limited elevator contractor, elevator mechanic, or limited mechanic may not perform work beyond the scope of the individual's license.

(9) All licensees are responsible for obtaining continuing education training as required by [NEW RULE XV].

(10) Any violation of these licensing responsibilities will be deemed "unprofessional conduct" in addition to conduct described in 37-1-410, MCA and are subject to sanctions as provided by 37-1-406, MCA.

24.142.405 APPRENTICE REGISTRATION (1) Elevator mechanic or limited mechanic licenses are not required for individuals who provide evidence of apprenticeship registration from:

- (a) the department's apprenticeship and training program;
- (b) a recognized state apprenticeship registration agency; or
- (c) the federal bureau of apprenticeship, United States department of labor.

(2) An apprentice shall work under the direction, control, and supervision of a licensed elevator mechanic or limited mechanic while the apprentice is performing or learning to perform elevator mechanic or limited mechanic duties and functions.

(3) Licensed elevator contractors shall be responsible for assuring that all apprentices under their general direction and supervision comply with the requirements of this rule.

24.142.501 DOCUMENTATION OF SUITABLE TRAINING AND EXPERIENCE (1) An applicant for a license must provide documentation that the applicant has suitable training and experience required for the class of license sought by the applicant.

(2) Acceptable proof of suitable training and experience includes, but is not limited to:

- (a) completed department-approved forms to document years of experience; or
- (b) one or more of the following documents:
 - (i) affidavits;
 - (ii) letters from previous employers;
 - (iii) declarations of experience;
 - (iv) education credits;
 - (v) copies of contractor registration information; or
 - (vi) certificates of training.
- (3) Additional documentation may be requested by the department to verify the information provided with the application.
- (4) 1500 hours of work constitutes a year's worth of work experience.

24.142.502 ELEVATOR MECHANIC LICENSURE QUALIFICATIONS

- (1) An applicant for an elevator mechanic's license shall furnish evidence satisfactory to the department that the applicant has:
 - (a) passed a written examination or certification approved by the department; or
 - (b) performed three years verifiable conveyance work.
- (2) An applicant for a limited mechanic's license shall furnish evidence satisfactory to the department that the applicant has:
 - (a) passed a written examination or certification approved by the department; or
 - (b) one year of verifiable work experience in performing residential conveyance work.

24.142.503 ELEVATOR MECHANIC APPLICATIONS

- (1) An applicant shall have one year from the date of department approval to take the examination for which application was approved. If the examination is not taken within that one-year period, the applicant will be required to submit a new application, provide written verification of experience and pay the applicable fees.
- (2) All applications shall be approved or disapproved on a case-by-case basis, as the department may deem proper, according to the following criteria:
 - (a) complete application submitted;
 - (b) fees paid;
 - (c) acceptable work experience verified; and
 - (d) past disciplinary actions reviewed and considered, if applicable.
- (3) Elevator mechanic applicants who can, under oath, provide verifiable proof of employment as an elevator mechanic for at least three years prior to October 1, 2005, and who also possess the requisite

experience for licensure may be licensed without examination upon payment of the application fee.

24.142.504 TEMPORARY PRACTICE PERMIT (1) In the event of an emergency or disaster, as defined in 10-3-103, MCA, the department may issue a temporary practice permit for an elevator mechanic or limited elevator mechanic. A temporary practice permit will not be issued until the department:

- (a) verifies information provided by a licensed elevator contractor that the contractors' employee, who is the applicant, may be qualified to perform elevator mechanic work without direct supervision; and

- (b) determines that the training, education, and/or experience of the applicant seeking temporary practice permits is sufficient to allow that person to perform unsupervised elevator mechanic work without creating a risk to public health, safety, and well-being.

(2) Documentation of the training, education, and/or experience required in (1) for a temporary practice permit must include the following:

- (a) a sworn affidavit from a licensed contractor stating an employee/applicant seeking a temporary practice permit has sufficient elevator installation experience to perform specific types of elevator work without supervision by a licensed mechanic;

- (b) certified submission of relevant training or coursework successfully completed by the applicant; and

- (c) in the case of an apprentice seeking a temporary practice permit, documentation from a state apprenticeship and training bureau or program that the apprentice has completed no less than 70% of the apprentice's required term and is completely current with related instruction.

(3) The department will verify the information described in (2) as it deems necessary to determine if acceptable standards of public health, safety, and well-being can be maintained by issuing temporary permits to specific applicants. Indicators used to evaluate acceptable levels of competency include, but are not limited to:

- (a) satisfactory completion of relevant course work;

- (b) amount of relevant on the job training;

- (c) relevant military training and experience;

- (d) relevant on the job training and experience from related trades; and

- (e) trade school certificates.

(4) A temporary practice permit issued pursuant to (1) is valid for 30 days.

- (a) Subsequent temporary practice permits will only be issued if the emergency or disaster condition still exists.

(5) In the event the department determines that a shortage of licensed elevator mechanics or limited mechanics exists to the extent that, if left uncorrected, it could have a materially adverse impact on public health, safety, and well-being, the department may issue a temporary practice permit for an elevator mechanic or limited mechanic.

(a) A licensed elevator contractor may submit written notification to the department that a shortage of licensed elevator mechanics or limited mechanics exists. The elevator contractor must be in good standing with the department and have no active complaints against the licenses of the contractor or the contractor's employees before the contractor is eligible to declare a shortage of elevator mechanics or limited mechanics for the contractor's business. Sufficient proof of a bona fide shortage of licensed elevator mechanics or limited mechanics must accompany the written notification and must include:

(i) a detailed description of the nature of the claimed shortage which particularly explains why the shortage was unforeseeable;

(ii) a description of all the projects affected by the claimed shortage, including the location of each project; and

(iii) evidence of the need for immediate action by an elevator contractor, especially as it may relate to healthcare issues or accessibility for disabled persons.

(6) Upon consideration and subsequent finding by the department that a contractor's claimed shortage of elevator mechanics or limited mechanics is bona fide to the extent that, if left uncorrected, an adverse material impact on public health, safety, and well-being will result, the department will issue temporary practice permits as it deems prudent and appropriate to temporarily remedy the mechanic shortage.

(7) A temporary practice permit issued pursuant to (5) is valid for 30 days and only at the locations noted in (5)(a)(ii).

(a) Subsequent temporary practice permits will be issued only if continued monitoring by the department indicates a bona fide elevator mechanic or limited mechanic shortage continues to exist.

(8) For good cause and upon notice, the department may revoke any temporary practice permit as it believes is prudent and necessary to best serve the interests of ensuring or maintaining public health, safety, and well-being.

24.142.506 ELEVATOR INSPECTOR QUALIFICATIONS --
TRANSITION PERIOD (1) Applicants for elevator inspectors licenses shall provide evidence satisfactory to the department that they possess certification as such from one or more of the following entities:

(a) ANSI;

(b) NAESA;

(c) ASME; or

(d) another elevator inspector certification from a provider entity as approved by the department on a case-by-case basis.

(2) Inspectors currently approved to inspect elevators in Montana will have six months from the date this rule becomes effective to become certified in accordance with this rule.

24.142.507 ELEVATOR CONTRACTOR APPLICATIONS (1) An applicant for an original license or renewal of an elevator contractor license shall submit:

- (a) a completed application;
- (b) the appropriate fee; and
- (c) proof of the following:
 - (i) a general contractor registration to engage in the business of installing, repairing, or altering powered conveyances;
 - (ii) a currently dated certified copy of a liability insurance policy issued to the business name listed on the application which includes the insurance policy number, and which complies with the requirements of 50-60-716, MCA; and
 - (iii) a current certificate of existence or a current certificate of fact, issued by the Montana secretary of state's office.

(2) The department shall issue a limited elevator contractor license to an applicant who:

- (a) submits the documentation required in (1); and
- (b) employs a licensed limited mechanic, named on a form provided by the department, as the mechanic responsible for code compliance on all work performed under that contractor license.

(3) The department shall issue an unlimited elevator contractor license to an applicant who:

- (a) submits the required documentation listed in (1); and
- (b) employs a licensed elevator mechanic, named on a form prescribed by the department, as the elevator mechanic responsible for code compliance on all work performed under that contractor license.

(4) An owner of an unlimited elevator contracting business not licensed as an elevator mechanic shall employ an elevator mechanic to perform all work done under that contractor's license. No holder of an elevator mechanic's license can be named as the responsible elevator mechanic for more than one elevator contractor at any given time.

(5) An owner of a limited elevator contracting business not licensed as a limited mechanic shall employ a limited mechanic to perform all work done under that contractor's license. No holder of a limited mechanic's license can be named as the responsible limited mechanic for more than one elevator contractor at any given time.

(6) A responsible elevator mechanic or limited mechanic who leaves the employment of a licensed elevator contractor, for whatever

reason, must provide written notification to the department of that fact within 10 working days. The licensed elevator contractor must notify the department within 10 working days, on a provided form, of the change of responsible elevator mechanic or responsible limited mechanic.

(a) Failure to name another responsible elevator mechanic or responsible limited mechanic as applicable within 10 working days is cause for disciplinary action, including suspension or revocation of the elevator contractor's license.

(7) A licensed elevator mechanic or limited mechanic may be relieved from further responsibility under any application or permit if the elevator mechanic or limited mechanic has left or been discharged from the employment of an elevator contractor or owner, provided the elevator mechanic or limited mechanic sends a notice in writing to that effect within 10 working days of the last day of employment to the department or the state or local building code enforcement entity, whichever is applicable.

24.142.509 EXAMINATIONS (1) Examinations are held at locations and times considered appropriate by the department. The department will provide reasonable notice to qualified applicants of the date, time, and location of examinations, or of approved vendors that administer the examination.

(2) A person who has failed to pass any examination may, upon the payment of the appropriate fee, take the next scheduled examination. Failure of examination means receiving a test score below 70%. Applicants who fail the test a second time may not take the test again within a two-month period after the last failed exam.

(3) In the event an applicant fails to pass any examination three times, the applicant must wait at least one year from the last failed exam before taking the exam again, after reapplying to the department and paying the required application fee.

(4) An applicant who has failed the elevator mechanic examination two or more times is not prohibited from taking the limited mechanic's licensing examination. Applicants must submit a request in writing to the department requesting the lower level examination at any subsequent time.

24.142.510 LICENSURE BY RECIPROCITY OR ENDORSEMENT

(1) The department may, on a case-by-case basis, enter into reciprocity agreements with other states or jurisdictions whose requirements are substantially equivalent to or greater than the standards of this state as a basis to issue elevator mechanic or limited mechanic licenses.

(2) Where no reciprocity agreement is applicable, mechanics licensed in other states may apply for licensure by endorsement in Montana. As used in this rule, "licensure by endorsement" means a formal reciprocal licensure agreement has not been signed with another specific state, but the qualifications for licensure in that state are similar to or greater than Montana's qualifications for the same level of licensure.

(3) The department may issue a license by endorsement to an applicant licensed in another state provided that the applicant is seeking a license comparable to the predicate license, and the applicant:

(a) submits a completed application with the required fees;

(b) holds a comparable current, valid license to practice in another state or jurisdiction;

(c) supplies a copy of the laws and rules in effect at the time of application to this state which shows that the standards in the other state are equivalent to or greater than the standards in effect in this state, as determined solely by the department; and

(d) provides official written or electronic verification directly from the other state(s) or jurisdiction(s) that the applicant's license is in good standing.

24.142.2101 RENEWALS (1) Renewal dates are biennial. The first two-year renewal cycle will commence on April 1, 2008. Renewal is the responsibility of the licensee and although the department may send reminder notices to the last known address of the licensee, failure to receive such notices does not relieve licensees of their responsibility of renewal.

(2) The renewal form will contain a declaration made under the penalty of perjury of the laws of Montana attesting to having obtained the requisite continuing education.

(3) An audit of continuing education hours will be conducted by the department for each renewal cycle. Failure to obtain the requisite continuing education hours is grounds for license suspension or revocation.

24.142.2102 CONTINUING EDUCATION SPONSORS AND COURSES

(1) The department has the authority to approve continuing education sponsors and courses.

(2) Any person or entity may be a continuing education course sponsor. A sponsor may be a for-profit entity or a not-for-profit entity. As examples, a membership association or an organized labor training program may become a continuing education course sponsor.

(a) An entity wanting to be approved as a continuing education course sponsor must submit to the department a completed application.

(b) A sponsor must keep uniform records, for a period of three years, of attendance of licensees and these records must be available for inspection by the department at its request. Those records must include:

- (i) course title;
- (ii) course topic;
- (iii) course number;
- (iv) course credit hours;
- (v) date of course; and
- (vi) an attendance roster with the individual's license number(s).

(c) Course sponsors are responsible for the security of all attendance records or certificates of completion. Failure to do so constitutes grounds for suspension or revocation of the sponsor's approval.

(3) Continuing education course sponsors seeking course curriculum approval must submit a complete application as prescribed by the department and pay the required fee.

(a) To be approved, the course curriculum must conform to and reflect current standards and requirements governing the operation, construction, installation, alteration, inspection and repair of elevators and other conveyances.

(b) All course approvals expire May 1st of each renewal year.

(c) The department may withdraw its approval of any course if it determines the course material or sponsor is no longer in compliance with the requirements of this rule. If the department withdraws its approval of a course, it will give the sponsor written notification of the withdrawal, specifying the reasons for its decision.

(d) Representatives of the department may attend and monitor approved courses without charge, but without obtaining continuing education course credit.

(4) A course sponsor is responsible for ensuring that instructors are suitably qualified regarding the subject matter the instructor will present.

(5) Course sponsors must provide completion certificates to licensees. Course completion certificates must contain the following:

- (a) course sponsor name;
- (b) course title;
- (c) course number;
- (d) course credit hours; and
- (e) name of person completing the course.

(6) Course sponsors must submit a list of names and license numbers of the attendees to the department as prescribed by the department no later than 30 days after the date of course completion.

24.142.2103 CONTINUING EDUCATION CREDITS REQUIRED

(1) In order to renew any class of elevator mechanic license or elevator inspector license, the licensee must have completed at least eight hours of approved continuing education during the two-year license period immediately preceding the renewal.

(2) Licensees must present valid completion certificates to the department upon request by the department.

24.141.2401 LICENSE DISCIPLINE (1) The department will follow all statutes, rules, and policies relating to discipline of licensees under this chapter and 37-1-410, MCA.

(2) In addition to the activities set forth in 37-1-410, MCA, the following activities are also deemed by the department to be unprofessional conduct:

(a) uncorrected violations of the Montana state elevator code as adopted by the department of labor and industry's building codes bureau;

(b) failing to comply with all provisions of state law relating to workers' compensation insurance, unemployment insurance and independent contracting; and

(c) failure to comply with continuing education requirements set forth in [NEW RULE XVI].

(3) Upon findings of unprofessional conduct as defined in (1) and determined in accordance with the Montana Administrative Procedure Act, the department may impose sanctions including, but not limited to, those allowed by or listed in 37-1-406, MCA.